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09/821,060	03/29/2001	John Zimmerman	US010076	5337

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EXAMINER

FISH, JAMIESON W

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/821,060	<b>Applicant(s)</b> ZIMMERMAN, JOHN	
	<b>Examiner</b> Jamieson W. Fish	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims **1-12** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims **1, 3, 5-8, 12-15, 19-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Graves (US 5,410,344).
2. Regarding claim **1**, Graves teaches a television program profile interface having a multiplicity of axes (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Horizontal and vertical lines are axes), comprising: television viewer profile represented by weighted viewer preferences that proportionately change with respect to at least one of a multiplicity of axes (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Figure 6 shows rankings (weighted viewer preferences) changing proportionately with respect to the horizontal line below the numbers), wherein the television viewer profile weighted viewer preferences have an activation mechanism that allows for viewer selection and manipulation of the television viewer profile weighted viewer preferences (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user

selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

3. Regarding claim 3, Graves teaches wherein said weighted viewer preferences represented by bar graphs (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20).

4. Regarding claim 5, Graves teaches wherein each of said weighted viewer preferences is individually viewer modifiable (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

5. Regarding claim 6, Graves further teaches means for viewer interaction to alter a topic selection presented by the television viewer profile weighted viewer preferences (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Viewer can mark a topic as not appropriate).

6. Regarding claim 7, Graves teaches an interactive, television program profile interface comprising; television viewer profile represented by weighted viewer preferences in graphical form including a plurality of bar graphs (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20), said bar graphs being coupled to an access mechanism that allows for viewer selection and altering of weighted viewer preferences (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

7. Regarding claim **8**, Graves teaches the interactive, television program profile interface further comprising a multiplicity of axes (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Horizontal and vertical lines are axes).

8. Regarding claim **12**, Graves teaches a method of using a television viewer profile interface, comprising the steps providing a television viewer profile that changes with time (See Col. 7 lines 37-54 The profile is stored in a file that is updated. An update is a change with time); and modifying said television viewer profile by viewer interaction via an access mechanism that allows viewer selection and alteration of the television viewer profile (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

9. Regarding claim **13**, Graves teaches wherein the step of modifying further comprises the access mechanism providing a selection device that allows selection from one of a plurality of weighted viewer preferences within the television viewer profile (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

10. Regarding claim **14**, Graves teaches wherein the step of modifying further comprises the access mechanism providing an altering device that allows altering one of the plurality of weighted viewer preferences within the television viewer profile (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 As seen in Figure 6, the user

selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls).

11. Regarding claim **15**, Graves teaches wherein the step of modifying further comprises moving the selected one of the plurality of weighted viewer preferences with the television profile along an axis (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Show rankings (weighted viewer preferences) are modified by increasing or decreasing the length of the bar (moving the end point of the bar along the horizontal axis)).

12. Regarding claim **19**, Graves teaches wherein the access mechanism altering of selected weighted viewer preferences by moving selected weighted viewer preferences along an axis (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Show rankings (weighted viewer preferences) are modified by increasing or decreasing the length of the bar (moving the end point of the bar along the horizontal axis)).

13. Regarding claim **20**, Graves teaches the television program profile interface further comprising the activation mechanism allowing viewer manipulation of selected weighted viewer preferences by moving selected weighted viewer preferences along an axis (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20 Show rankings (weighted viewer preferences) are modified by increasing or decreasing the length of the bar (moving the end point of the bar along the horizontal axis)).

14. Claims **11** and **16-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Stas et al (US 6,025,869).

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15. Regarding claim **11**, Stas teaches a method of using a television viewer profile interface, comprising the steps of: providing a television viewer profile that changes with time (See Col. 7 lines 39- 67, Col. 8 lines 1-9 The user programs the profile at different times); and modifying said television viewer profile via an access mechanism that allows viewer traversing of time axis (See Fig. 7 Col. 9 lines 41-65 The user moves the cursor along the X-axis to select cells).

16. Regarding claim **16**, Stas teaches wherein the step of modifying further comprises the access mechanism providing a selection device that allows selection from one of a plurality of weighted viewer preferences within the television viewer profile (See Fig. 7 Col. 9 lines 41-65 The user can select to block or allow a channel during a time slot. Block or allow are weighted viewer preferences).

17. Regarding claim **17**, Stas teaches wherein the step of modifying further comprises the access mechanism providing an altering device that allows altering from one of a plurality of weighted viewer preferences within the television viewer profile (See Fig. 7 Col. 9 lines 41-65 The user change cell from block or allow i.e. a weight of one or zero).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. Claims **2**, **4** and **9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves in view of Saitoh (US 5,444,499).

19. Regarding claim **2**, Graves teaches an interface for a user to adjust weighted viewer preferences stored in a file. The weights are adjusted proportionally with respect to an axis (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20). As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls. Rankings (weighted viewer preferences) change proportionately with respect to the horizontal line below the numbers). Graves differs from the claimed invention in that Graves fails to disclose a time axis. In a similar endeavor, Saitoh teaches having channel priorities (weighted viewer preferences) that vary with respect to a time zone (time slot) (See Fig. 3 and Fig. 6, Col. 4 lines 4-32, Col. 5 lines 19-67, Col. 6 lines 1-14). Channel priorities vary according to time slot). In Saito's explanatory figures of preferences varying according to a time slot, time is represented through the use of an axis (See Fig. 3 and 6). Saitoh also teaches where the viewer can explicitly set the priority of various channels (See Col. 6 lines 44-47). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graves so that viewer preferences could vary according to different time slots and to represent time with an axis as taught by Saitoh so that the viewer could select favorite programming without the cumbersome tuning operation (See Saitoh Col. 6 lines 39-43). It should be noted that the claim language does not require the weighted viewer preferences to change proportionally with respect to the time axis.

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20. Regarding claim 4, Graves modified with Saitoh teaches wherein said weighted viewer preferences are represented by bar graphs (See Graves Fig. 6).

21. Regarding claim 9, Graves teaches an interactive, television program profile interface comprising: television viewer profile represented by weighted viewer preferences in graphical form including a plurality of bar graphs (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20), said bar graphs being coupled to an access mechanism that allows for viewer selection and altering of weighted viewer preferences (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20). As seen in Figure 6, the user selects preferences with Channel Up/Down keys and adjusts the weights of the preference bars with the volume controls), the television program profile interface further comprising a multiplicity of axes (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20). Horizontal and vertical lines are axes). Graves differs from the claimed invention in that Graves fails to disclose a time axis. In a similar endeavor, Saitoh teaches having channel priorities (weighted viewer preferences) that vary with respect to a time zone (time slot) (See Fig. 3 and Fig. 6, Col. 4 lines 4-32, Col. 5 lines 19-67, Col. 6 lines 1-14). Channel priorities vary according to time slot). In Saito's explanatory figures of preferences varying according to a time slot, time is represented through the use of an axis (See Fig. 3 and 6). Saitoh also teaches where the viewer can explicitly set the priority of various channels (See Col. 6 lines 44-47). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graves so that viewer preferences could vary according to different time slots and to

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represent time with an axis as taught by Saitoh so that the viewer could select favorite programming without the cumbersome tuning operation (See Saitoh Col. 6 lines 39-43).

22. Regarding claim **10**, Graves modified with Saitoh teaches wherein said weighted viewer preferences are proportionately changeable with respect to said time axis (See Stas Fig. 3 and Fig. 6). Although Figures 3 and 6 are used by Saitoh to explain how data is represented in memory, using such representations would be obvious for the interface of the Graves/Saitoh combination.

23. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Stas in view of Graves.

24. Stas teaches where different values in a weighted viewer preference are represented in the form of different colors and the user presses enter to cycle through various values (See Col. 9 lines 41-65, Col. 10 lines 43-57). Stas fails to disclose where weighted preference values are changed by a user moving a selected one of the plurality of weighted viewer preferences within the television viewer profile along an axis. In a similar endeavor, Graves teaches a television viewer profile where different values are represented by different lengths of a bar and values are changed by a user moving a selected one of the plurality of weighted viewer preferences within the television viewer profile along an axis (See Fig. 5, Fig. 6 and Col. 6 lines 60-67, Col. 7 lines 1-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stas so that weighted preference values were changed by a user moving a selected one of the plurality of weighted viewer preferences within the television viewer profile along a axis as taught by Graves to provide the user with a

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user-friendly way for controlling both viewing time and channel selection (See Col. 2 lines 26-28).

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bose et al (US 6,271,863) teaches a general computer interface comprising a bar graph with a plurality of bars and a plurality of sliders (See Fig. 1 and Col. 2 lines 22-41). In the interface taught by Bose each bar can be selected and have its length adjusted. Also, the length of the bars can be coupled to a slider so that the length of the bar changes based on the position of the slider.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 6/8/05



NGOC-YEN VU  
PRIMARY EXAMINER